

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

ELI LILLY AND COMPANY,)	
)	
Plaintiff,)	Case No. 1:06-cv-1017-SEB-JMS
)	
v.)	
)	
TEVA PHARMACEUTICALS USA, INC.,)	
)	
Defendant.)	
)	

**LILLY’S MOTION TO COMPEL
TEVA TO PRODUCE RALOXIFENE IDENTIFIED IN ITS ANDA**

Pursuant to Fed. R. Civ. P. 37, Local Rule 7.1, and the authorities cited in the accompanying memorandum, Lilly moves the Court to compel Teva to produce three (3) grams of blended granulated raloxifene from each commercial scale lot identified in its ANDA and one hundred (100) tablets prepared from same, as well as one hundred (100) tablets prepared from the Teva raloxifene batch that Teva used to evaluate bioequivalence, because Teva cannot demonstrate good cause for withholding this highly relevant evidence.

Lilly has made several attempts to resolve this matter without the Court’s intervention, but Teva continues to unreasonably object to producing these samples. A separate statement under Local Rule 37.1 and a supporting memorandum accompany this motion.

Dated: October 28, 2008

Respectfully submitted,

/s/ Laura P. Masurovsky

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CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of October 2008, LILLY'S MOTION TO COMPEL TEVA TO PRODUCE RALOXIFENE IDENTIFIED IN ITS ANDA was filed electronically. Notice of this filing will be sent to the following by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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